GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:614
ANSWERED ON:21.11.2002
POOR LITIGATION OF UNDER TRAILS
SULTAN SALAHUDDIN OWAISI

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the leading experts have expressed concern at the plight of poor litigation of under trials who have been languishing in various jails across the country for want of bails;

(b) if so, whether the National Human Rights Commission has reported that about 2.90 lakh prisoners constituting 74.18 per cent of jail inmates are under trials;

(c) if so, whether the Chief Justice of Supreme Court has pointed that for speedy trials of undertrials even after delegating criminal cases to all benches there is urgent need to appoint some more judges at all levels of judiciary;

(d) if so, the steps taken or being taken by Government in this regard;

(e) whether Government propose to amend criminal laws in the country; and

(f) if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) The problem of undertrials languishing in jails has drawn the attention of the Government, the Judiciary and other authorities like the National Human Rights Commission etc.

(b) Yes, Sir.

(c) The Supreme Court in the case of R.D. Upadhyay has been periodically urging the States to take necessary action on the problems of the undertrials. In the case of All India Judges Association case the Supreme Court on 21st March`2002 has observed:

`The increase in the judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today.`

(d) Both the Government and judiciary are concerned with the problem of undertrials languishing in jails. Hon`ble Chief Justice of India has suggested to all the Chief Justices of High Courts that in every District the Chief Judicial Magistrates or Chief Metropolitan Magistrates, as the case may be, should hold their Courts in their respective jails once or twice in a month to take up the cases of those undertrial prisoners who are petty offenders and may be willing to confess their guilt. The Central Government has also requested the State Governments and UT Administrations to take necessary measures for mitigating the hardships faced by the undertrials.

(e) & (f) The Code of Criminal Procedure (Amendment) Bill - 1994 introduced in the Rajya Sabha on 9th May 1994 inter alia proposes to amend section 436
(i) to make a mandatory provision that if the arrested person is accused of a bailable offence and if he is an indigent person and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.